

**Brain D. Johnpeer  
Racquel Johnpeer  
6109 Alpine Springs Way  
Elk Grove, CA 95758  
707-826-2920  
707-691-5022**

**TO:** Mark List

**FROM:** Brian

**DATE:** 9-29-06

**RE:** Request for Designated Party

September 28, 2006

**REQUEST STATUS AS A DESIGNATED PARTY FOR: October 26/27<sup>th</sup> 2006  
Public Hearing concerning Cease and Desist Order for Napa Berryessa Resort  
Improvement District Wastewater Treatment System Napa County**

TO: STATE OF CALIFORNIA  
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

FROM: BRIAN & RACQUEL JOHNPEER  
6109 Alpine Springs Road  
Elk Grove, CA 95758  
916-826-2920  
916-691-5022 Fax

RE: Property located at: 1122 Rimrock Drive, Berryessa Highlands in Napa CA  
APN# 019-382-007  
Owners: Brian & Racquel Johnpeer

To Whom It May Concern:

We are writing this letter to request a status of Designated Party for the Public Hearing concerning the Cease and Desist Order proposed for the Napa Berryessa Resort Improvement District Wastewater Treatment System. We are requesting this status because we feel we are more than just an interested party, we have been directly effected by this proposed order and stand to suffer under the decision to implement this order. We are requesting this status and asking for an exception to this order under the conditions stated in # 14a of the proposed Cease and Desist Order.

1. All the requirements of the Napa County Planning and Building Department were complete and approved prior to September 12, 2006, except for the fees to be paid. We already had approval and just had to pay the fees and pick up the issued permit.  
See Attached Letter- Exhibit A
2. Napa County Public Works sent us a letter September 11, 2006 stating that we had approval and what the conditions were that we apply once started.  
See Attached Letter- Exhibit B
3. We started the permit process on August 4, 2006 – Application B06-01305  
See Attached – Exhibit C

Request for Exception – 14a of Cease and Desist Order

The main reason we should be accepted for this Request for Exception under 14a is that we were already approved by the Napa County Planning and Building and ready to start after picking up the issued permit. Our start date was to be September 15, 2006. Our approval with the Napa County was prior to the Cease and Desist Order issued on September 12, 2006. We are asking to be allowed to proceed with drawing our permit and being able to be hooked up to the sewer and water at 1122 Rimrock Dr. in the Berryessa Highlands. We are not in the category with others that had not yet been approved therefore we believe we should be given this request for exception.

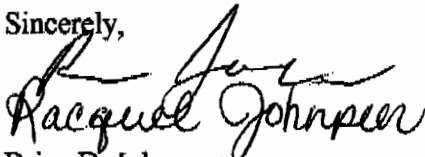
Problems Caused by this Cease and Desist Order:

We are a family who work hard to support our 4 children and to get ahead to secure the future for all of us. We have recently invested in development projects in the Berryessa Highlands after being encouraged by the success of my mom and step father, Daryl and Kathy Nix. We invested in this region unknowing of any problems that could arise. Not only did we take an equity line from our own home for this project, but my disabled father in New York did as well to be an investor. Both of us stand to lose our homes if we are not able to proceed with this project on Rimrock Drive in the Berryessa Highlands. We also have a loan on the lot and construction that is to be preformed on Rimrock Drive. We absolutely have been placed in a position that we can "do nothing" to pay for this loan. We will not be able to sell the lot or refinance this construction loan which is due in February 2007. That means our only alternative is facing foreclosure.

This has caused tremendous stress and upset for our whole family. We have basically been trapped in a position that we can do nothing about. We have done everything in good faith according all the requirements of the County of Napa and the State of California in working to get our permit. We believe that since we already had approval from the County when the proposed Cease and Desist Order came in on September 12, 2006, that we should be allowed to proceed and have our issued permit.

This situation has the potential to become drastic for our family and we are asking that you make an exception for us based on #14a in the Cease and Desist Order. Thank you for your help in this matter.

Sincerely,



Brian D. Johnpeer  
Racquel Johnpeer

*Exhibit A***COUNTY of NAPA**

OFFICE OF CONSERVATION, DEVELOPMENT &amp; PLANNING

**BUILDING INSPECTION DIVISION**HILLARY GITELMAN  
DirectorPATRICK LYNCH, AICP  
Assistant DirectorDARRELL MAYES  
Chief Building OfficialVACANT  
Plans & Permits  
SupervisorRANDY SCHMELING  
Plans ExaminerJOHN KAYLOR  
Plans ExaminerSTACIE VAZQUEZ  
Plans ExaminerOLAF KLASCHIK  
Plans ExaminerCHRISTINA BEYE  
Permit TechnicianMAC MACCOLL  
SupervisorJOHN MORROW  
Building InspectorDAVID DELONG  
Building InspectorRICK BLAIR  
Building InspectorJOHN HAMMOND  
Building InspectorCARL BAKKEN  
Building InspectorGREG BAXTER  
Building InspectorED COLBY  
Code Compliance/  
Planner1195 THIRD STREET  
SUITE 210NAPA, CALIFORNIA  
94559TELEPHONE:  
707-253-4417FAX:  
707-253-4336

WWW.CO.NAPA.CA.US

September 28, 2006

California Region Water Quality Control Board  
Attn: Mark List  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Re: B06-01305; Johnpeer Property at 1122 Rimrock Drive

To whom it may concern:

Napa County requires that applicants submit to our department to obtain the proper permits prior to any construction on their lots. During the process of approving their plans the applicant is required to get clearance from the various departments in the County that have jurisdiction over their area.

The above owner has followed this process and was at the end of it and ready to pull their building permit when the moratorium was placed on their lot.

We ask that you please take this into consideration as you make your decision on whether to allow this property to be exempt from the moratorium or not.

Thank you.

*Eric Banvard*  
Napa County Building Department*Eric Banvard*  
Plans & Permits Supervisor

Accela Automation: ShowPayDetail40 - T8108-D

Page 1 of 1

**RECEIPT**

**NAPA COUNTY**  
**1195 THIRD STREET**  
**SUITE 210**  
**Napa, CA 94559**

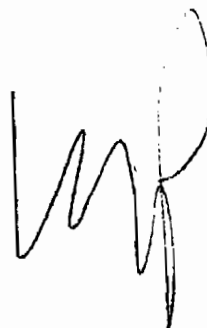
*Exhibit C***Application:** B06-01305**Application Type:** Building / Mobile Home / MFG Home Permanent Foundation / New**Address:** 1122 RIMROCK DRIVE, NAPA, CA**Owner Name:** JOHNPEER BRIAN & RACQUEL**Owner Address:** 6109 ALPINE SPRING WY, ELK GROVE, CA 95758**Receipt No.:** 58571

<b>Payment Method</b>	<b>Ref Number</b>	<b>Amount Paid</b>	<b>Payment Date</b>	<b>Cashier ID</b>	<b>Comments</b>
Check	3152 <i>pd</i>	<del>\$315.00</del>	08/04/2006 08:58:08 AM	SPUTNAM	

**Owner Info.:** JOHNPEER BRIAN & RACQUEL  
6109 ALPINE SPRING WY  
ELK GROVE, CA 95758

**Work Description:** MANUFACTURED/MOBILE HOME ( 52 x 27) ON PERM. FOUNDATION

T8108-D  
Version 4.0



**Brain D. Johnpeer**  
**Racquel Johnpeer**  
**6109 Alpine Springs Way**  
**Elk Grove, CA 95758**  
**707-826-2920**  
**707-691-5022**

**TO:** Mark List

**FROM:** Brian Johnpeer

**DATE:** 9-29, 2006

**RE:** Permit # B06-01305

NAPA County



# COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT &amp; PLANNING

BUILDING INSPECTION DIVISION

HILARY GITELMAN  
Director

PATRICK LYNCH, AICP  
Assistant Director

DARRELL MAYES  
Chief Building Official

VACANT  
Plans & Permits  
Supervisor

RANDY SCHMELING  
Plans Examiner

JOHN KAYLOR  
Plans Examiner

STACIE VAZQUEZ  
Plans Examiner

OLAF KLASCHIK  
Plans Examiner

CHRISTINA BEYE  
Permit Technician

MAG MACCOLL  
Supervisor

JOHN MORROW  
Building Inspector

DAVID DELONG  
Building Inspector

ROCK BLAIR  
Building Inspector

JOHN HAMMOND  
Building Inspector

CARL BAKKEN  
Building Inspector

GREG BAXTER  
Building Inspector

ED COLBY  
Code Compliance/  
Planner

1195 THIRD STREET  
SUITE 210

NAPA, CALIFORNIA  
94559

TELEPHONE:  
707-253-4417

FAX:  
707-253-4336

WWW.CO.NAPA.CA.US

September 28, 2006

California Region Water Quality Control Board

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Re: B06-01305; Johnpeer Property at 1122 Rimrock Drive

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We ask that you please take this into consideration as you make your decision on whether to allow this property to be exempt from the moratorium or not.

Thank you.

*Eric Banvard*  
Napa County Building Department

*Eric Banvard*  
Plans & Permits Supervisor



Exhibit B

## COUNTY of NAPA

ROBERT J. PETERSON, P.E.  
Director of Public Works  
County Surveyor-County-Engineer  
Road Commissioner

DONALD G. RIDENHOUR, P.E.  
Assistant Director of Public Works

September 11, 2006

Permit #: B06-01305  
APN#: 019-382-007, 1122 Rimrock Drive, Napa, CA  
Public Works Plan Review

Brian Johnpeer  
6109 Alpine Spring Way  
Elk Grove, CA 95758  
Re: Conditions of Approval, Public Works

Description: MFG Home Permanent Foundation / New

Dear Mr. Johnpeer

Upon the issuance of the above named permit by the Napa County Conservation and Building Department, the following conditions will apply.

As of September 15<sup>th</sup>, 2004 Napa County Public Works has begun reviewing building plans for conformance to National Pollutant Discharge Elimination Systems (NPDES). To fulfill the requirements of County Code the following conditions must be addressed during construction. Failure to follow the County guidelines for Stormwater Management and Discharge Control may result in work stoppage, a written citation, monetary fine or any combination thereof.

1. You must contact this office 48 hours prior to beginning any earthmoving activities related to the above named permit.
2. The property owner will be held responsible for any violation of County Stormwater Ordinance (1240).
3. The property owner or his/her designee must understand all parts of these conditions and must maintain the construction site in compliance during all phases of construction.
4. The property owner or his/her designee must inform all workers involved with the construction of these conditions.
5. Preventative stormwater pollution measures must be in place and effective prior to predicted rainfall to protect stormwater conveyance ways from any illicit discharge resulting from activities related to the above named permit.

NAPA COUNTY DEPARTMENT OF PUBLIC WORKS  
1195 Third Street • Suite 201 • Napa, CA 94559 • (707) 253-4351  
www.co.napa.ca.us FAX (707) 253-4627



6. **Provide, and maintain a Concrete washout.** All construction projects using concrete must now specify and use a washbasin for cleaning equipment and are required to maintain it during use.
7. Provide a stabilized construction exit from the site if vehicles will be leaving the property during wet weather. Action must be taken to prevent vehicles leaving the construction site from tracking soils onto any publicly maintained roadways.
8. All temporary stockpiles of soils must be covered or contained so that stormwater runoff does not produce increased erosion. The permanent placement of soils requires measures to be taken to insure soils will not be washed away (i.e. Compaction, seeding, mulching, erosion blankets) during stormwater flows.
9. The roadway and gutter areas adjacent to the construction property must remain free of soils or other erodible construction materials prior to and during stormwater flows.
10. Downspouts, drainage swales or the creation of other stormwater conveyance ways must be installed using credible best management practices in order to reduce soil erosion to the maximum extent practical.

Below are two websites that provide information regarding stormwater best management practices and Napa County Code 1240 online for your reference:

<http://www.swrcb.ca.gov/rwqcb1/programs/npdesstorm.html>  
[www.cabmphandbooks.com](http://www.cabmphandbooks.com)

<http://napacounty/code2000updates/1240.htm>

Please contact Tracy Arensberg of this Department if you have any questions regarding the implementation of any of the above conditions.

Sincerely,

Robert J. Peterson,  
Director of Public Works



Jeannette Doss  
Junior Engineer